IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 42 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUKESHKUMAR KANUBHAI @ HASMUKHBHAI SHAH

Versus

R M RATHOD

Appearance:

MS PARUL PATEL for MR AB ACHARYA for Petitioner

MR SAMIR J DAVE, APP,for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/11/2000

ORAL JUDGEMENT

1. Shri Dave raised a preliminary objection that this petition is not maintainable and in support of this preliminary objection he relied on the following decisions:

1990 (1) GLR 338 Natvar Textiles vs. Union of India

1996 (2) GCD 654 Athhavisi Modh Chatar Vedignath Panchors vs. State of Gujarat.

2. Learned counsel for the petitioner does not dispute that earlier petition filed in the same matter has been dismissed for non-prosecution.

3. So this petition is not maintainable and accordingly the same is dismissed. Rule discharged. However, dismissal of this petition will not come in the way of the petitioner to apply for restoration of the earlier special criminal application.

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zgs/-